



United States Department of Justice

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Northern District of New York*

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July 22, 2025

Hon. Mae A. D'Agostino
U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 407
Albany, NY 12207

**Re: United States v. Kimberly Owen a/k/a Kimberly Humphrey
Criminal No: 25-CR-238**

Dear Judge D'Agostino:

The government hereby submits the attached proposed Preliminary Order of Forfeiture, seeking personal money judgments in the amounts of \$512,500.00 and \$486,194.68 in U.S. Currency, to be forfeited from named defendant, Kimberly Owen, in the above-referenced case.

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(1)(A), where the government seeks the imposition of personal money judgments, the court must determine the amounts of money that the defendant will be ordered to pay. That determination should be made "as soon as practical" following a guilty verdict or after a guilty plea is accepted. Fed. R. Crim. P. 32.2(b)(1)(A). The rule further directs that the court must enter the preliminary Order sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the Order becomes final. *Id.* at 32.2(b)(2)(B).

The Order implements the forfeiture components and applies the process set forth in both Fed. R. Crim. P. 32.2 and the applicable forfeiture statutes, in this instance 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(7), and 28 U.S.C. § 2461(c). I am also providing defense counsel with a copy of the proposed Order. I respectfully request that Your Honor sign this Order on or after ten days following the date of this letter, to provide defense counsel ample advance notice of the form and content of this proposed Order.

Once the ten days from the above date has elapsed, I respectfully request that you execute this Preliminary Order of Forfeiture and, once executed, cause the Order to be filed.

Letter to Hon. Mae A. D'Agostino

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Respectfully submitted,

JOHN A. SARCONI III

Acting United States Attorney

By: /s/ Melissa Rothbart

Melissa Rothbart

Assistant United States Attorney

Bar Roll No. 700723

MR/jc

cc: Thomas A. Capezza, Esq., *via* ECF